

**REMARKS**

A. **Claims 1 through 5 were rejected under 35 U.S.C. 103(a) as being unpatentable over Noguchi et al. (US Patent Application Publication 2005/0193337) in view of ACTERNA's MPEG-2 Digital Broadcast Pocket Guide (hereafter: Acterna).** The Applicant respectfully traverses this rejection for the following reason(s).

**Claim 1**

Original claim 1 was directed towards an apparatus for controlling a program information display on an electronic program guide (EPG) screen, comprising, in part:

*a demultiplexer demultiplexing a received transport stream, and extracting service description table (SDT) information and event information table (EIT) information from the demultiplexed data.*

See Applicant's Fig. 3, and paragraph [0053] which states in part: "As shown in Fig. 3, the apparatus comprises: a demultiplexer 112 demultiplexing a received transport stream 111, and extracting service description table (SDT) information and event information table (EIT) information from the demultiplexed data."

Noguchi is directed to a method and apparatus for adjusting font size in an electronic program guide display. A multiple channel broadcasting system generates an electronic program guide identifying channels and corresponding programs in a broadcasting system. The broadcast system determines a number of characters to be displayed in an area of an electronic program guide. The broadcast system determines a number of display pixels available for display of the characters. The broadcast system adjusts the font size of the characters to display the number of characters

within the number of pixels available.

With respect to the foregoing feature of claim 1, Noguchi fails to mention or teach service description and event information, much less *service description table (SDT) information and event information table (EIT) information*.

Here, the Examiner refers to Noguchi, and states Noguchi clearly teaches: a demultiplexer (Fig. 3 transport IC 24) demultiplexing a received transport stream (The transport IC 24 receives the data stream, consisting of packets of data, from the error correcting circuit 23 and directs portions of the data stream to the appropriate circuit for processing. [0043]).

In paragraph [0043] Noguchi discloses that the transport IC 24 receives the data stream, consisting of packets of data, from the error correcting circuit 23 and directs portions of the data stream to the appropriate circuit for processing. The digital data stream sent from a satellite includes headers for classifying the different portions of the data in the digital data stream. The transport IC 24 stores the headers in registers and uses the headers to direct the data. The data stream sent from the satellite, includes video data in the format specified by the Motion Pictures Expert Group standard (MPEG), MPEG audio data and electronic programming guide (EPG) data. Data that is identified by its header to be video data is transferred to MPEG video decoder 25. Data that is identified by its header to be audio data is transferred to MPEG audio decoder 26. Similarly, **data having a header that identifies the data to be EPG data is transferred to a predetermined area in the data buffer 51 (within CPU 29) designated to store the EPG.**

In paragraph [0048] it is disclosed that the CPU 29 maintains a list of pointers, stored in static random access memory (SRAM) 36, to the channel information and "program information" stored

in the SRAM 51. Thus, when a user wishes to display a form of the EPG on the screen, the CPU 29, accessing pointers stored in the SRAM 36, communicates to the transport IC 34 to retrieve the data from the data buffer (SRAM) 51 identified by the pointers. The CPU then formulates the format and other digital data which forms the guide or list on the screen and forwards the data representative of the guide/list to the transport IC 34 which forwards the data to the DRAM 25a of the MPEG video decoder 25 for subsequent output to the screen.

As noted above, Noguchi is directed to a method and apparatus for adjusting font size in an electronic program guide display.

Noguchi is concerned with adjusting the font size of the characters in a display information packet 1302 selected for display. See paragraph [0070]. In paragraph [0065] Noguchi discloses, with respect to Fig. 13, a display information packet 1302 containing a description of the program broadcast may be displayed with the electronic program guide 1310. The display information packet 1302 also contains the program title 1350, the broadcast network identification 1352, the broadcast channel number 1354, the start and end times of the program 1356, and the program rating 1358.

In paragraph [0070] Noguchi discloses that Fig. 15 illustrates a display of an electronic program guide in one embodiment of the invention that is displayed with a display information packet 1502 that contains a greater number of characters than the display information packet 1302 of FIG. 13. As the area allocated for the display information packet in one embodiment of the broadcasting system is of a constant fixed size, the broadcasting system is configured to adjust the font size of the characters based on the number of characters present for display. Optimization of the font size causes a maximum number of characters to be displayed for a given display area.

As noted above, the display information packet 1302 contains the program title 1350, the

broadcast network identification 1352, the broadcast channel number 1354, the start and end times of the program 1356, and the program rating 1358.

The Examiner notes that Noguchi does not teach extracting service description table (SDT) information and event information table (EIT) information from the demultiplexed data. Here, the Examiner refers to Acterna's teachings of an SDT table and an EIT table; and has erroneously suggested:

"... it would be obvious to one of ordinary skill in the art at the time the invention was made to use the SDT and EIT of the MPEG-2 Digital Broadcast Pocket Guide as the channel and program data of Noguchi et al. The only SI tables contained in the DVB standard that match the description of the channel and program data of Noguchi et al. are the SDT (**channel data**) and EIT (program data). Using the DVB standard provides support for the numerous programs and services available on an entire network of transport streams."

The Event Information Table (EIT) defines all events in a network, including their description, start time and duration. According to MPEG, an event is a collection of elementary streams with a common time base set to start and end at the same time. We often refer to events as "TV programs." See Acterna, page 20.

The Service Description Table (SDT) defines the services available on a network and gives the name of the service provider. A service is a sequence of events that can be broadcast as part of a schedule. See Acterna, page 20.

Contrary to the Examiner's understanding of the SDT, the SDT does not include **channel data**. There is no teaching that the name of a "service provider" corresponds to **channel data**.

Deficiencies in the factual basis cannot be supplied by resorting to speculation or unsupported generalities. *In re Warner*, 379 F.2d 1011, 154 USPQ 173 (CCPA 1967) and *In re*

*Freed*, 425 F.2d 785, 165 USPQ 570 (CCPA 1970).

Note on page 23 of Acterna there is described a Virtual Channel Table (VCT) that lists all channels in a transport stream, and an Extended Text Table that carries text messages describing either channels or events. These messages appear in the EPG to give viewers more detailed information than is available in the EIT.

Therefore, without a *prima facie* showing that Acterna teaches the SDT contains channel data/information then one of ordinary skill in the art would not have been motivated to detect the length of the program information from both a service description table (SDT) information and the event information table (EIT) information.

Additionally, note that Noguchi displays display information packet that contains a description of the program broadcast. Acterna's digital video broadcasting (DVB) description, relied on in the rejection, does not include a description of the program broadcast. Instead, Acterna's description of ATSC (advanced television systems committee) teaches the use of an ETT (extended text table) which does include a description of the program broadcast.

Thus, in order for Noguchi to continue work as desired, by displaying description of the program broadcast, then one of ordinary skill in the art would have need to combine Noguchi with Acterna's ATSC (advanced television systems committee) teachings, instead of Acterna's digital video broadcasting (DVB) teachings as suggested by the Examiner.

Combining Noguchi with Acterna's digital video broadcasting (DVB) teachings, as suggested by the Examiner, would destroy the intended purpose of Noguchi's device such that it would no longer be able to function as intended, and such destruction is an important indication of non-obviousness, see *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

Combining Noguchi with Acterna's ATSC (advanced television systems committee) teachings would result in using Acterna's Virtual Channel Table (page 25) in order to obtain channel information desired by Noguchi.

Accordingly, the rejection of original claim 1, and likewise, claims 2-5, is deemed to have been in error.

**B. Claims 6 through 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Noguchi et al. (US Patent Application Publication 2005/0193337) in view of MPEG-2 Digital Broadcast Pocket Guide as applied to claim 1 above, and further in view of Tsunoda (US Patent 4,660,032). The Applicant respectfully traverses this rejection for the following reason(s).**

Original claims 6-12 are deemed to have been non-obvious for the same reasons as claim 1 (and claims 2-5).


Accordingly, the rejection of **original claims 9 and 10** is deemed to be in error and should be withdrawn.

The Examiner is respectfully requested to reconsider the application, withdraw the objections and/or rejections and pass the application to issue in view of the above amendments and/or remarks.

Should a Petition for extension of time be required with the filing of this response, the

Commissioner is kindly requested to treat this paragraph as such a request and is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of the incurred fee if, **and only if**, a petition for extension of time be required **and** a check of the requisite amount is not enclosed.

Respectfully submitted,

  
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